

REMARKS

I. Introduction

In response to the pending Office Action, Applicants have amended claims 1, 7 and 13 so as to further clarify the intended subject matter of the present disclosure. Support for the amendment can be found, for example, in paragraph [0054] of the published application (USP Pub. No. 2008/0046675). No new matter has been added.

Applicants again note and appreciate the allowance of claims 2, 4, 8, 10, 14, and 16.

For at least the reasons set forth below, it is respectfully submitted that claims 1, 7 and 13 are patentable over the cited prior art references.

II. The Rejection Of The Claims Under 35 U.S.C. § 103

Claims 1, 7 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over USP No. 6,401,166 to Chiba in view of U.S. Patent No. 6,788,575 to Kozakai. Applicants respectfully traverse this rejection for the reasons set forth below.

Each of independent claims 1, 7, and 13 have been amended to recite, *inter alia*, “the switch region cannot be accessed by a file system that manages inside the partition region”. Support for the amendment can be found, for example, in paragraph [0054] of the published application. As noted in paragraph [0054], as a result of the foregoing, the data in the switch region is physically erased when the recording medium is initialized so that the data is not recorded in the switch region. Thus, the memory block in the switch region can maintain the state where no data is retained therein.

Turning to the cited prior art references, at a minimum, neither of the cited references disclose or suggest the foregoing element recited by amended claim 1. First, it is acknowledged

in the pending rejection that Chiba does not disclose or suggest the recited switch region located between a terminal end of the partition management information region and a starting end of the partition region. Kozakai is relied upon as curing this deficiency in Chiba. Specifically, the pending rejection cites the “alternative area” shown in Fig. 2 of Kozakai as corresponding to the recited switch area. However, importantly, and in contrast to the amended claims, nowhere does Kozakai appear to disclose or suggest that the “alternative area” of Kozakai ***cannot be accessed by a file system that manages the other portions of the flash memory*** of Kozakai.

Thus, even assuming *arguendo* that the combination of Chiba and Kozakai was proper, at a minimum, the combination still fails to disclose or suggest the recited non-volatile semiconductor recording medium in which ***the recited switch region cannot be accessed by a file system that manages inside the partition region.***

Accordingly, as each and every element of the claim must be disclosed or suggested by the cited prior art references in order to establish a *prima facie* case of obviousness (*see*, M.P.E.P. § 2143.03), and the combination of Chiba and Kozakai fails to do so for at least the foregoing reasons, it is clear that claim 1, as amended, is patentable over Chiba and Kozakai, taken alone or in combination with one another.

Further, as claims 7 and 13 have been amended in a manner similar to claim 1, it is respectfully submitted that claims 7 and 13 are also patentable over Chiba and Kozakai for at least the same reasons as claim 1.

III. Conclusion

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call the undersigned attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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